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To: Microsoft ATR
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Subject: Microsoft Settlement

To Whom It May Concern:

I am writing this response to the proposed Microsoft Settlement. I have been working in Information Technology since I graduated High School. I have personally witnessed the rise of Microsoft as someone in the "trenches". While many good things have come about from Microsoft, there are behavioral aspects that require intervention.

My primary case and point is the emergence of Microsoft Office. I was at a company that had deployed Lotus 123 and WordPerfect. Both of these products were what I considered best in class. Microsoft Excel and Microsoft Word were adequate, but not exceptional.

License and support cost for 123 and WordPerfect were not exorbitant. As the company was moving to the newer versions of the products, we ran price differentials on the individual costs of 123 and WordPerfect for each computer. The upgrade was not cheap. Microsoft on the other hand began to bundle Excel and Word into the Office Suite. The individual prices for Excel and Word were comparable to 123 and WordPerfect.

The Office suite was significantly discounted. I clearly remember our Director saying that the price difference was just too great to be ignored. I also recall the director jokingly saying that they were probably selling the Office Suite at a loss to gain market share. In addition he also predicted that if they continued this, they would eradicate the other competing products and eventually raise prices due to their monopoly position.

I only wish that I knew where that director was now in order to compliment his foresight.

The real reason for writing this is to make a recommendation to the court. I recommend that Microsoft be forced to implement the Office Suite for

alternative platforms such as the Linux operating system.

This remedy has two purposes:

- 1) If you really want to spur competition along the operating system realm, port the primary business tool to Linux. Linux is an operating system that has become the primary default competitor to Windows. Linux is however, a weak competitor due to the lack of business applications. If you port the Office suite, this would encourage companies and some consumers to migrate to Linux and yet maintain compatibility with their existing documents and spreadsheets they have today.
- 2) There is an additional benefit to having Microsoft port the Office Suite to various platforms. For any feature implemented into the Windows version of the suite, the exact same functionality would be implemented on all the other platforms. This would help prevent any anti-competitive practices in which Microsoft builds secret interfaces from the Office suite into the Windows operating system.

Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Now Microsoft is using the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions.

One of the remedies in the Proposed Final Judgement specifically protect companies in commerce -- organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against "competing" commercial software vendors like Netscape, and other commercial vendors -- computer vendors like Compaq, for example. But

Microsoft's greatest single threat on the operating system front comes from Linux and it also faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache, Sendmail, and Perl, all come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Open Source projects use Microsoft calls and the settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Under this definition, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology -- even the Department of Justice itself -- have no rights. While it's

true the
government buys commercial software and uses contractors who make
profits and
Open Source software is sold for profit by outfits like Red Hat.
Microsoft has
shown by its past aggressive marketing tactics actions that they
probably made
sure that these sections were included. If this language gets through,
MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.